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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,212	09/15/2003	Laura Anderer	P02048901	2211
27689	7590	12/14/2005	EXAMINER	
JOHN C. SMITH, ESQ. 2499 GLADES ROAD SUITE 113 BOCA RATON, FL 33431			WILLIAMS, KENNETH C	
			ART UNIT	PAPER NUMBER
			3739	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/605,212	Applicant(s) ANDERER, LAURA	
	Examiner Kenneth C. Williams	Art Unit 3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 and 10-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/15/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I in the reply filed on 11/03/05 is acknowledged.
2. Claims 17-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/03/05.

Specification

3. The disclosure is objected to because of the following informalities:
 - a. Paragraph 0005, line 4, "used treat wounds" should be changed to read --used to treat wounds--.
 - b. Paragraph 0007, line 21, "individual*s" should be changed to read --individual's--.
 - c. Paragraph 0011, line 12, "areas of and individual's body" should be changed to read --areas of an individual's body--.
 - d. Paragraph 0011, line 13, "device capable treating" should be changed to read --device capable of treating--.
 - e. Paragraph 0012, line 4, "patient'" should be changed to read --patient's--.
 - f. Paragraph 0019, line 10, "to the used" should be changed to read --to be used--.
 - g. Paragraph 0022, line 5, "than directed" should be changed to read --then directed--.

- h. Paragraph 0023, line 19, "vertical the elevation" should be changed to read --vertical elevation--.
- i. Paragraph 0024, line 15, "is than directed" should be changed to read --is then directed--.
- j. Paragraph 0025, lines 1-3, "In the preferred embodiment, the crystals 11 are clear quartz crystals. Which crystals are cut such that they act as prisms" should be changed to read --In the preferred embodiment, the crystals 11 are clear quartz crystals which are cut such that they act as prisms--.
- k. Paragraph 0028, line 12, "chefs" should be changed to read --shafts--.
- l. Paragraph 0029, line 8, "each of lamp assemblies" should be changed to read --each of the lamp assemblies--.
- m. Paragraph 0031, lines 14 and 15, "inch pole" should be changed to read --inch diameter pole--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 8 recites the limitation "the frequency groups" in line 2-3 of the claim.

There is insufficient antecedent basis for this limitation in the claim.

6. The examiner suggests amending Claim 8 to depend on Claim 7 to overcome rejection.

Claim Rejections - 35 USC § 103

Art Unit: 3739

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (U.S. Patent No. 6582115) in view of Wheeler (U.S. Patent No. 5424931), further in view of Teicher et al. (U.S. Patent No. 6554439).

In regards to Claim 1, Huang discloses an apparatus for light therapy comprising "a base section", the base section comprising "control circuitry" and "power supply means" (See Huang Figure 2, elements 10, 11, 12 and 15; see also column 2, lines 18-27), "a head unit" (See Huang Figure 1, element 40), "a plurality of lamp arms" (See Huang Figure 1, element 50), "a plurality of lamps" (See Huang column 2, lines 47-50).

Huang does not disclose "an adjustable vertical support". Attention is directed to the Wheeler reference, which in an analogous field of endeavor discloses a vertically adjustable illumination device (See Wheeler Figure 2, elements 18, 30 and 32; see also column 3, lines 23-27). It would have been obvious to one of ordinary skill at the time of

the invention to modify the device of Huang with the vertical adjustable means of Wheeler to position the device at different heights.

Huang in view of Wheeler does not disclose "means to control activation of individual lamps in a predetermined sequence" and "means to control the light color output by each of the individual lamps". Attention is directed to the Teicher et al. reference, which provides a pertinent solution for generating artificial light that closely simulates natural light and other dynamic light conditions, discloses a computer system which enables the user to control the multiple light sources individually and control the color output of the individual light sources (See Teicher et al. column 3, line 48 – column 4, line 15). It would have been obvious to one of ordinary skill at the time of the invention to modify the device of Huang in view of Wheeler with the lighting control means of Teicher et al. to provide various light conditions for a lighting device.

10. Claims 2-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (U.S Patent No. 6582115) in view of Wheeler (U.S. Patent No. 5424931), further in view of Teicher et al. (U.S. Patent No. 6554439) as applied to claim 1 above, and further in view of D.C. et al. (U.S. Patent Application Publication No. 20030130709).

a. In regards to Claim 2, Huang in view of Wheeler, further in view of Teicher et al. discloses an apparatus for light therapy (See Claim 1 Rejection). Huang in view of Wheeler, further in view of Teicher et al. does not disclose "means to direct the light emitted by the lamps". Attention is directed to the D.C. et al. reference, which in an analogous field of endeavor discloses a means of directing electromagnetic radiation using fiber optics (See D.C. et al. Paragraph

0014). It would have been obvious to one of ordinary skill at the time of the invention to modify the device of Huang in view of Wheeler, further in view of Teicher et al. with the light directing means of D.C. et al. to vary the direction of light.

b. In regards to Claim 3, Huang in view of Wheeler, in view of Teicher et al., in view of D.C. et al. discloses an apparatus for light therapy (See Claim 2 Rejection). Huang in view of Wheeler, in view of Teicher et al., in view of D.C. et al. further discloses "means to pulse the lamps intermittently" (See D.C. et al. Paragraph 0045).

c. In regards to Claim 4, Huang in view of Wheeler, in view of Teicher et al., in view of D.C. et al. discloses an apparatus for light therapy (See Claim 3 Rejection). Huang in view of Wheeler, in view of Teicher et al., in view of D.C. et al. further discloses "means to periodically select a color" and "to project that color from a lamp" (See D.C. et al. Paragraph 0014).

d. In regards to Claim 5, Huang in view of Wheeler, in view of Teicher et al., in view of D.C. et al. discloses an apparatus for light therapy (See Claim 4 Rejection). Huang in view of Wheeler, in view of Teicher et al., in view of D.C. et al. further discloses "means to use a prism" (See D.C. et al. Paragraph 0018).

e. In regards to Claim 6, Huang in view of Wheeler, in view of Teicher et al., in view of D.C. et al. discloses an apparatus for light therapy (See Claim 5 Rejection). Huang in view of Wheeler, in view of Teicher et al., in view of D.C. et

al. further discloses “a secondary optical color filter” (See D.C. et al. Paragraph 0052).

f. In regards to Claim 8, Huang in view of Wheeler, in view of Teicher et al., in view of D.C. et al. discloses an apparatus for light therapy (See Claim 5 Rejection). Huang in view of Wheeler, in view of Teicher et al., in view of D.C. et al. further discloses “programmable means to control sequencing of the frequency groups” (See Teicher et al. column 3, lines 31-59).

g. In regards to Claim 9, Huang discloses an apparatus for light therapy comprising “a base section”, the base section comprising “control circuitry” and “power supply means” (See Huang Figure 2, elements 10, 11, 12 and 15; see also column 2, lines 18-27), “a head unit” (See Huang Figure 1, element 40), “a plurality of lamp arms” (See Huang Figure 1, element 50), “a plurality of lamps” (See Huang column 2, lines 47-50).

Huang does not disclose “an adjustable vertical support”. Attention is directed to the Wheeler reference, which in an analogous field of endeavor discloses a vertically adjustable illumination device (See Wheeler Figure 2, elements 18, 30 and 32; see also column 3, lines 23-27). It would have been obvious to one of ordinary skill at the time of the invention to modify the device of Huang with the vertical adjustable means of Wheeler to position the device at different heights.

Huang in view of Wheeler does not disclose “means to control activation of individual lamps in a predetermined sequence” and “means to control the light

color output by each of the individual lamps". Attention is directed to the Teicher et al. reference, which provides a pertinent solution for generating artificial light that closely simulates natural light and other dynamic light conditions, discloses a computer system which enables the user to control the multiple light sources individually and control the color output of the individual light sources (See Teicher et al. column 3, line 48 – column 4, line 15). It would have been obvious to one of ordinary skill at the time of the invention to modify the device of Huang in view of Wheeler with the lighting control means of Teicher et al. to provide various light conditions for a lighting device.

Huang in view of Wheeler, further in view of Teicher et al. does not disclose "means to direct the light emitted by the lamps". Attention is directed to the D.C. et al. reference, which in an analogous field of endeavor discloses a means of directing electromagnetic radiation using fiber optics (See D.C. et al. Paragraph 0014). It would have been obvious to one of ordinary skill at the time of the invention to modify the device of Huang in view of Wheeler, further in view of Teicher et al. with the light directing means of D.C. et al. to vary the direction of light.

Allowable Subject Matter

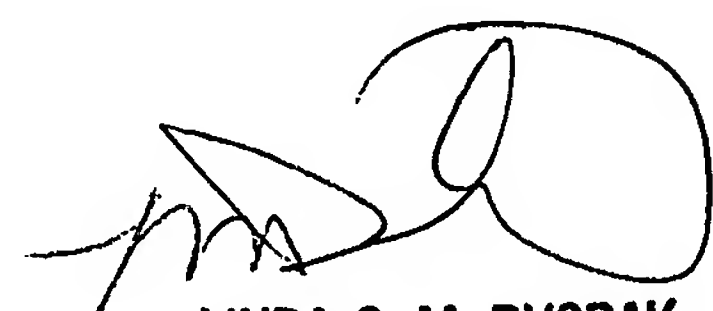
11. Claims 7 and 10-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth C. Williams whose telephone number is (571) 272-8161. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KCW



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